

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.

D'Airis Lanire Johnson

Case No. 3:21-MJ-244

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 6/24/021 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 USC s. 922(g)(1) & 924(a)(2)

felon in possession of a firearm in and affecting interstate commerce

This criminal complaint is based on these facts:

See Attached Affidavit of Mollie Hamby

☒ Continued on the attached sheet.

Mollie Hamby
Complainant's signature

Mollie Hamby, TFO of the FBI
Printed name and title

Sworn to before me and affirmed in my presence by reliable electronic means.

Date: 06/25/21

City and state: Dayton, Ohio

Peter B. Silvain, Jr.
Peter B. Silvain, Jr.
United States Magistrate Judge



AFFIDAVIT

Mollie M. Hamby, a Task Force Officer for the Federal Bureau of Investigation (“FBI”) and City of Dayton Police Department officer (hereinafter referred to as the “affiant”) being duly sworn, deposes as follows:

INTRODUCTION

1. Affiant is a Task Force Officer with the United States Federal Bureau of Investigation within the meaning of Title 21, United States Code (“U.S.C.”), Section 878. That is, an officer of the United States who is empowered by law to conduct criminal investigations of and to make arrests for offenses enumerated in 21 and 18 U.S.C. § 878.
2. Your Affiant has been employed in law enforcement for the past eighteen years. I currently serve as an officer with the Dayton Police Department. In approximately October 2019, I became a Task Force Officer with the FBI Safe Streets Task Force. Since 2011, I have been dedicated to the investigation of narcotics, firearms and gang offenses. I have been involved in firearm-related arrests, executed search warrants that resulted in the seizure of narcotics and firearms, participated in undercover narcotics purchases, and supervised the activities of informants who have provided information and assistance resulting in narcotics purchases.
3. This affidavit is made in support of a criminal complaint against, and an arrest warrant for, D’Airis Lanire Johnson (“JOHNSON”) for a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (felon in possession of a firearm). This affidavit does not contain all information known to me regarding this alleged offense, but only those facts necessary to establish probable cause.

FACTS

1. On or about June 24, 2021, Officer Michael Schwartz and Officer Luke Scott were working in uniform as a two unit crew, operating a marked cruiser. They were participating in a West Patrol Operations Gun Reduction Initiative with the Dayton Police Department, members of FBI Safe Streets Taskforce and Ohio State Patrol, “OSP”. At approximately 8:58 p.m., Officers were traveling south on North Gettysburg Avenue when they observed a gray Toyota Camry sitting stationary at the stop sign on Eichelberger Avenue, past the stop sign. Once officers passed this vehicle, the vehicle immediately turned left to travel north on North Gettysburg Avenue. Officers turned around to attempt to ascertain the license plate on the vehicle.
2. Once Officers completed a u-turn, the vehicle immediately began to accelerate to a high rate of speed and change lanes into the eastern most lane on North Gettysburg Avenue. Once at Prescott Avenue, Officers activated the overhead emergency lights and sirens to signal a traffic stop at which time the vehicle accelerated away from Officers. This vehicle traveled north on North Gettysburg Avenue and turned right, traveling east on West Hillcrest Avenue. Officers activated the cruiser lights to conduct a traffic stop. This vehicle turned east on West Hillcrest Avenue accelerating at an excessive rate. OSP was

able to maintain surveillance and advised this vehicle turned south onto Grant Avenue, which is a dead end street.

3. Officers immediately responded to this location and found the vehicle parked in the driveway of 2201 Grant Avenue, blocking the residential sidewalk. Officer Schwartz positioned the cruiser behind this vehicle conducting a felony traffic stop. The driver, later identified as JOHNSON, was ordered out of the vehicle. Johnson was placed in handcuffs and seated in the rear of the cruiser. The front passenger, later identified as Devin Herd, was ordered from the vehicle. She retrieved her 2 year old child from a carseat in the rear passenger seat and they were seated in the front of the cruiser.
4. Officer Scott, Detective Erick Hamby and Detective Mollie Hamby approached the vehicle to confirm there were no more occupants. As Officer Scott approached the front passenger door, which was open, he saw a baggie of marijuana laying in plain view. Officer Schwartz ran JOHNSON'S information and found he had a suspended driver's license.
5. Detectives Erick Hamby and Mollie Hamby assisted Officer Scott in conducting an inventory of the vehicle prior to tow. Detective Mollie Hamby recovered a 9mm handgun magazine loaded with 17 rounds and a .22 caliber rifle magazine loaded with 22 rounds from the center console. Officer Scott recovered a tan Springfield Armory 9mm handgun, bearing serial number BA207148, from the glove box. Detective Erick Hamby recovered a ballistic vest containing rifle plates and a Smith & Wesson M&P15-22 rifle, bearing serial number WAM3865, from the trunk of the vehicle. Also in the trunk was a backpack that contained a 9mm handgun magazine loaded with 21 rounds and a baggie of marijuana weighing approximately 24.25 grams. These items were collected as evidence and tagged into the property room with a request to be sent to the Miami Valley Regional Crime Laboratory for testing.
6. Officer Schwartz read JOHNSON his Miranda warning, which JOHNSON indicated that he understood and that he was willing to speak with officers. JOHNSON stated the vehicle he was driving was a company car, and the firearms and ballistic vest inside the vehicle were issued by the security company. JOHNSON stated he has been to prison and is prohibited from possessing a firearm. JOHNSON was able to describe the make and caliber of the handgun, describing it as an "XD .9mm". He accurately described the rifle in the trunk as a .22 caliber. JOHNSON stated he was transporting the firearms and just wanted to get home. He said he began driving north on North Gettysburg Avenue away from the police at approximately 60 mph, despite the speed limit being 35 mph. It should be noted JOHNSON had a "Security" badge attached to his belt during the traffic stop. While JOHNSON was being transported to Montgomery County Jail, he stated that all he did was flee.
7. I have reviewed conviction documents from the Montgomery County, Ohio, Clerk of Courts indicating that JOHNSON has been previously convicted of the following felony offenses, which were punishable by a term of imprisonment exceeding one year, namely:
 - a. On or about May 30, 2017, in the Montgomery County, Ohio Court of Common Pleas, case number 2017 CR 1661, of "Aggravated Trafficking in Drugs" and "Improper Handling of a Firearm in a Motor Vehicle".

- b. On or about May 30, 2017, in the Montgomery County, Ohio Court of Common Pleas, case number 2016 CR 1558, of “Carrying Concealed Weapon” and “Improper Handling of a Firearm in a Motor Vehicle”.
8. Special Agent Christopher Reed of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who specializes in identifying firearms and their origin/place of manufacture, has advised that Springfield Armory firearms are not manufactured in Ohio; as such, the Springfield Armory firearm recovered in this case moved in interstate commerce.
9. Based on the above-mentioned facts, I assert that there is probable cause to believe that JOHNSON violated 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (felon in possession of a firearm).

Further your Affiant sayeth naught.

Mollie Hamby

Mollie M. Hamby, Task Force Officer
Federal Bureau of Investigation,

Subscribed and sworn to before me this 25th day of June, 2021.


Peter B. Silvain, Jr.
United States Magistrate Judge

